

REMARKS

Reconsideration of this application, as amended, is respectfully requested. Amendments to claims 1, 15, 37 and 42 are supported in the specification as originally filed, for example in figures 6 and 8-9, and at paragraphs 69-71. Claims 10-11, 13-14, 24, 26, 28-30 and 35-36 have been amended to track the changes made to their respective base claims. Various claims have been amended to correct minor typographical errors and for clarity. Claims 9, 25, 27 and 45 have been cancelled. No new matter is being added by any of the present amendments.

Claim 1, as amended, is patentable over Kochi et al. (US PGPUB 2002/0179812) whether considered separately or in combination with Takane et al. (US PGPUB 2003/0010914) and Muckenhirm (US PGPUB 2003/0168594). For example, the Office Action admits that Kochi is silent on determining whether to perform additional scanning. (Office Action, page 6) Accordingly, it follows that Kochi fails to teach or suggest "determining whether additional scanning is required based on one or more of an estimated width of the first traverse section and an estimated width of the second traverse section", as recited in claim 1.

Takane fails to cure the deficiencies of Kochi. For example, in step 1004 of figure 10, Takane determines whether additional scanning is required based on preset conditions (See, e.g., Takane, paragraphs 91-92), and not based on one or more of an estimated width of the first traverse section and an estimated width of the second traverse section.

Muckenhirm likewise fails to cure the deficiencies of Kochi. For example, Muckenhirm determines whether to investigate process change based on whether line width is within a tolerance level (See, e.g., Muckenhirm, figure 4, elements 416, 418 and 420; and paragraph 55), while the present invention determines whether additional scanning is required based on one or more of an estimated width of the first traverse section and an estimated width of the second traverse section. Put simply, there is no teaching or suggestion that the process change investigation of Muckenhirm involves additional scanning. In further contrast, the determination of Muckenhirm is based on line width, whereas the determination of the present invention is based on an estimated edge width (recall, claim 1 recites "wherein the first traverse section represents a first edge of the measured structural element").

Therefore, even if the teachings of Kochi were combined with those of Takane and Muckenhirm, one would not arrive at the present invention as recited in claim 1. For at least the foregoing reasons, claim 1 remains patentable over Kochi, even in view of Takane and

Muckenhirm. Because claims 15, 37 and 42 recite, *inter alia*, features similar to those recited in claim 1, claims 15, 37 and 42, and their respective dependent claims, are likewise patentable over Kochi, even in view of Takane and Muckenhirm.

If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,

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